

## **EXHIBIT B**

**Deposition of Chris Herr  
Taken on March 17, 2003**

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1 make a request of you to allow her to transfer off  
2 of your team?

3 A. Yes.

4 Q. Did you advise her that you agreed to  
5 transfer her off of the team at that time?

6 A. I had asked her to stay. She was a  
7 valuable and important resource to the team.

8 Q. The question was did you agree at that time  
9 to allow her to transfer from your team?

10 A. I don't recall. I don't recall honestly.

11 Q. Now, how long after this meeting with  
12 Ms. Bryan did you receive a phone call from Mr. May?

13 A. Shortly.

14 Q. Then what happened at that time?

15 A. I was confronted by Ed May and Sarah  
16 Brazier. Sarah spoke, Ed spoke. Sarah got up and  
17 left. Ed had confronted me on three specific  
18 complaints, three specific pieces of language.

19 Q. What were those?

20 A. I believe it was -- well, I'm unclear. I  
21 remember sphincter, woody and there was another one.

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1 Ed told me it was unacceptable behavior, that I was  
2 to stop immediately. If it continued there would be  
3 additional consequences.

4 Q. Did Mr. May elaborate as to what additional  
5 consequences meant?

6 A. I think it was pretty clear.

7 Q. Okay. In your mind then what did that  
8 mean?

9 A. Without corrective action in a continued  
10 course as it was alleged I would expect termination.

11 Q. Now, you've indicated that Ms. Brazier was  
12 there for at least a portion of this discussion with  
13 Mr. May?

14 A. Uh-huh, yes.

15 Q. What did Ms. Brazier say during the course  
16 of this conversation?

17 A. She said, "Listen to Ed."

18 Q. And then she left?

19 A. Basically it was a -- Sarah and I had  
20 talked earlier about the issue with Ms. Mazzarello.  
21 I did not have a lot of discussion about Ms. Bryan.